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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,704

Applicant(s)

YANG ET AL.

Examiner

Ashok B. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/1/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application Number 10/759, 704 was filed on 01/15/2004. Claims 1-25 are subject to examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 12 and 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "Module" in claims 4, 12 and 20 is used by the claim to mean "some kind of a modular device within a network element", while the accepted meaning is "A self-contained assembly of components installed as a unit.", however, the term module is not provided with an adjective to further define it. And that is why the term is indefinite because the specification does not clearly redefine the term. For the purpose of this office action, the term "module" is defined as being any module other than the specified hardware.

5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim claims 4, 12 and 20 recite the broad recitation "module" for "module status", and the claim also recites "Memory usage", "Chassis temperature", "CPU Usage", Fan Status", and "power supply status" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter where:

Claims 9-16 are recite a computer program per se, and are not tangibly embodied on a computer readable medium and also absent is its readability and executability.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-7, 9-15, 17-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fung
(US 2003/0200473 A1).

Referring to claim 1,

The reference teaches a method for monitoring hardware information associated with a network device in an enterprise system (Fig.1), comprising:

retrieving hardware information associated with a network element (Fig.1 element 54), the hardware information including information on one or more hardware characteristics (page 4, para. [0042] ,Memory usage (page 29, Table III, page 20, para.[190]);chassis temperature (page 8, para.[0079]);Central Processing Unit (CPU) usage (page 12, para.[107]);fan status (page 15, para.[0142], page 16, para.[0154]);module status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15,para. [0143]); and

dynamically presenting the information through a display. (Fig.1, element 65)

Referring to claim 2,

The reference teaches the method of claim 1, the network device associated with at least one Management Information Base (MIB) parameter. (page 12, para. [107], "SNMP", page 15, para. [0141])

Referring to claim 3,

The reference teaches the method of claim 1, the hardware information comprising chassis component information. (Fig.6, Memory usage (page 29, Table III, page 20, para.[190]);chassis temperature (page 8, para.[0079]);Central Processing Unit (CPU) usage (page 12, para.[107]);fan status (page 15, para.[0142], page 16, para.[0154]); module status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15,para. [0143])

Referring to claim 4,

The reference teaches the method of claim 1, each hardware characteristic selected from the group consisting of:

memory usage (page 29, Table III, page 20, para.[190]);

chassis temperature (page 8, para.[0079]);

Central Processing Unit (CPU) usage (page 12, para.[107]);

fan status (page 15, para.[0142], page 16, para.[0154]);

module status (page 15, para.[0144], page 16, para. [00147]); and

power supply status. (page 15, para. [0143])

Referring to claim 5,

The reference teaches the method of claim 1, further comprising changing a configuration of the flexible configuration file to retrieve hardware information associated with a different network device. (Fig. 12, "server modules", page 11, para. [0099], [0100], [0104])

Referring to claim 6,

The reference teaches the method of claim 1, further comprising:

polling the network device based on a polling configuration file (page 17, para. [0160]);

receiving updated hardware information associated with the network device (page 17, para. [0160]); and

dynamically displaying the updated hardware information (Fig. 14).

Referring to claim 7,

The reference teaches the method of claim 6, the polling configuration file comprising a polling interval associated with each hardware characteristic retrieved. (page 17, para. [0160]).

Referring to claim 9,

Claim 9 is a claim to a software for monitoring hardware information associated with a network element in accordance with the method of claim 1. Therefore, claim 9 is rejected for the reasons set forth for claim 1.

Referring to claim 10,

Claim 10 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 2. Therefore, claim 10 is rejected for the reasons set forth for claim 2.

Referring to claim 11,

Claim 11 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 3. Therefore, claim 11 is rejected for the reasons set forth for claim 3.

Referring to claim 12,

Claim 12 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 4. Therefore, claim 12 is rejected for the reasons set forth for claim 4.

Referring to claim 13,

Claim 13 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 5. Therefore, claim 13 is rejected for the reasons set forth for claim 5.

Referring to claim 14,

Claim 14 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 6. Therefore, claim 14 is rejected for the reasons set forth for claim 6.

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Referring to claim 15,

Claim 15 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 7. Therefore, claim 15 is rejected for the reasons set forth for claim 7.

Referring to claim 17,

Claim 17 is a claim to a system for monitoring information associated with a network element in accordance with the method of claim 1. Therefore, claim 17 is rejected for the reasons set forth for claim 1.

Referring to claim 18,

Claim 18 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 2. Therefore, claim 18 is rejected for the reasons set forth for claim 2.

Referring to claim 19,

Claim 19 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 3. Therefore, claim 19 is rejected for the reasons set forth for claim 3.

Referring to claim 20,

Claim 20 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 4. Therefore, claim 20 is rejected for the reasons set forth for claim 4.

Referring to claim 21,

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Claim 21 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 5. Therefore, claim 21 is rejected for the reasons set forth for claim 5.

Referring to claim 22,

Claim 22 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 6. Therefore, claim 22 is rejected for the reasons set forth for claim 6.

Referring to claim 23,

Claim 23 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 7. Therefore, claim 23 is rejected for the reasons set forth for claim 7.

Referring to claim 25,

The reference teaches a method for monitoring hardware information associated with a network device in an enterprise system (Fig.1), comprising:

retrieving hardware information associated with a network element (Fig.1, element 54), the hardware information including information on one or more hardware characteristics (page 4, para. [0042] ,Memory usage (page 29, Table III, page 20, para.[190]);chassis temperature (page 8, para.[0079]);Central Processing Unit (CPU) usage (page 12, para.[107]);fan status (page 15, para.[0142], page 16, para.[0154]);module status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15,para.[0143]);

dynamically displaying the information through an interactive display based on a flexible configuration file (Fig. 1, element 65; (Fig. 12, "server modules", page 11, para. [0099], [0100],[0104])

polling the network device based on a polling configuration file (page 17, para. [0160]);

receiving updated hardware information associated with the network device (page 17, para. [0160]);

dynamically displaying the updated hardware information (Fig. 14); and

changing a configuration of the flexible configuration file to retrieve hardware information associated with a different network device (Fig. 12, "server modules", page 11, para. [0099], [0100], [0104]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fung (US 2003/0200473 A1) in view of Janes et al. (herein after Janes)(US 6, 642, 946 B1)

Referring to claim 8,

Keeping in mind the teachings of the reference Fung as stated above, the reference explicitly fails to teach method of claim 1, the interactive display comprising a first and a

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second window, the first window comprising a hierarchical tree structure of hardware characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure.

The reference Janes teaches to display data as claimed in Fig.2, and Abstract.

Therefore, it would have been obvious for one having an ordinary skill in the art at the time the invention was made to employ the GUI of Jane such that, as suggested by Janes "A technical advantage of the present invention is the interactive graphical user interface that not only displays the data in a user-specifiable organizational manner, but also allows the user to easily enter a transaction by drag and drop methods. The graphical user interface allows the user to set and change any number of criteria for displaying and summarizing the data.

Referring to claim 16,

Claim 16 is a claim to software for monitoring hardware information associated with a network element in accordance with the method of claim 8. Therefore, claim 16 is rejected for the reasons set forth for claim 8.

Referring to claim 24,

Claim 24 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 8. Therefore, claim 24 is rejected for the reasons set forth for claim 8.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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